

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ROME DIVISION**

IN RE:

|                     |  |                       |
|---------------------|--|-----------------------|
| MARVEL RONALD SMITH |  | Case No: 09-43081-PWB |
| Debtor(s).          |  | Chapter 13            |

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|---------------------|--|------------------|
| MARVEL RONALD SMITH |  |                  |
| Movant(s),          |  | CONTESTED MATTER |
| vs.                 |  |                  |
| CITIFINANCIAL, INC. |  |                  |
| Respondent.         |  |                  |

**MOTION TO AVOID LIEN**

The Motion of Movant(s) respectfully presents:

1.

Movant(s) file(s) this Motion pursuant to 11 U.S.C. Section 522(f) and Bankruptcy Rule 4003(d) to avoid the non-possessory, non-purchase money lien on certain of Movant's personal property.

2.

The existence of the Respondent's lien on Movant's personal property impairs exemptions allowed to the Movant(s) pursuant to 11 U.S.C. Section 522(b) and O.C.G.A. 44-13-100(A) (1)(4) and (6).

**WHEREFORE**, Movant(s) pray(s) for judgment against the Respondent for the cancellation and avoidance of the non-possessory, non-purchase lien on the personal property, to the extent said security interest impairs exemptions allowed to the Movant(s) pursuant to 11 U.S.C. Section 522(b) and O.C.G.A. 44-13-100 (a)(1)(4) and (6), and for such other and further relief as is just.

Respectfully submitted,

/s/ \_\_\_\_\_  
Brian R. Cahn, GA Bar No: 101965  
**Perrotta, Cahn & Prieto, P.C.**  
Historic Bradley Building  
5 South Public Square  
Cartersville, GA 30120  
770-382-8900  
Attorney for Debtor(s)

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| vs.                 |  |                       |
| CITIFINANCIAL, INC. |  |                       |
| Respondent.         |  |                       |

**NOTICE OF REQUIREMENT OF RESPONSE TO MOTION  
TO AVOID LIEN ON EXEMPT PROPERTY AND OF TIME TO FILE SAME**

NOTICE IS HEREBY GIVEN that, on August 3, 2009, a **Motion to Avoid Lien** on exempt property pursuant to 11 U.S.C. Section 522 was filed in this case.

NOTICE IS FURTHER GIVEN that, pursuant to BLR 6008-2, Respondent must file a response to the motion within 20 days after service, and serve a copy of said response upon Movant(s). If no response is timely filed and served, the motion will be deemed unopposed and the Bankruptcy Court may enter an order granting the relief sought.

This 3<sup>rd</sup> day of August, 2009.

\_\_\_\_\_/s/\_\_\_\_\_  
Brian R. Cahn, GA Bar No: 101965  
**Perrotta, Cahn & Prieto, P.C.**  
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5 South Public Square  
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| vs.                 |  |                  |
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| Respondent.         |  |                  |

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that I am, at all times hereinafter mentioned, was more than 18 years of age, and that on the 3rd day of August, 2009, I served a copy of the **Motion to Avoid Lien on Exempt Property, together with the Notice of Requirement of Response to Motion to Avoid Lien on Exempt Property and of Time to File Same** on the following by U.S. Mail, in a properly stamped and addressed envelope:

Mary Ida Townson  
Chapter 13 Trustee  
100 Peachtree Street, NW  
Suite 2700, Equitable Building  
Atlanta, GA 30303

Citifinancial, Inc.  
2535 E Walnut Ave., Suite J-10  
Dalton, GA 30721-2103

Citifinancial, Inc.  
C/O Registered Agent for Service  
CT Corporation System  
1201 Peachtree Street, NE  
Atlanta, GA 30361

This 3<sup>rd</sup> day of August, 2009.

/s/\_\_\_\_\_  
Brian R. Cahn, GA Bar No: 101965  
**Perrotta, Cahn & Prieto, P.C.**  
Historic Bradley Building  
5 South Public Square  
Cartersville, GA 30120  
770-382-8900  
Attorney for Debtor(s)